

Article - Courts and Judicial Proceedings
Section 12-302(c) and 12-401(a)
Annotated Code of Maryland
(1974 Volume and 1975 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That ~~[[Section 12-302(c)]]~~ Sections 12-302(c) and 12-401(a) of Article - Courts and Judicial Proceedings, of the Annotated Code of Maryland (1974 Volume and 1975 Supplement) be and ~~[[it is]]~~ they are hereby repealed and reenacted, with amendments, to read as follows:

Article - Courts and Judicial Proceedings

12-302.

(c) In a criminal case, the State may appeal [only]:

(1) from a final judgment granting a motion to dismiss or quashing or dismissing any indictment, information, presentment, or inquisition [in a criminal case]; AND

(2) FROM A FINAL JUDGMENT IF THE STATE ALLEGES THAT THE TRIAL JUDGE FAILED TO IMPOSE THE SENTENCE SPECIFICALLY MANDATED BY THE CODE.

12-401.

(a) A party in a civil case or the defendant in a criminal case may appeal from a final judgment entered in the District Court. IN A CRIMINAL CASE, THE STATE MAY APPEAL FROM A FINAL JUDGMENT IF THE STATE ALLEGES THAT THE TRIAL JUDGE FAILED TO IMPOSE THE SENTENCE SPECIFICALLY MANDATED BY THE CODE. In a criminal case, the defendant may appeal even though imposition or execution of sentence has been suspended.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed only prospectively and may not be applied or interpreted to have any effect upon or application to any event or happening occurring prior to the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1976.

Approved April 1, 1976.

CHAPTER 50

(Senate Bill 60)